

**Air Pollution Control
Federal Clean Air Act (CAA) Title V Permit to Operate
Statement of Basis for Draft Permit No. V-UM-000001-2014.00**

**CCI San Juan LLC
Barker Creek Compressor Station
Ute Mountain Ute Indian Reservation
San Juan County, New Mexico**

I. Facility Information

A. Location

The Barker Creek Compressor Station (Barker Creek) is owned and operated by Castleton Commodities Incorporated San Juan, LLC (CCI San Juan) and is located within the exterior boundaries of the Ute Mountain Ute Indian Reservation, in the northwestern part of the State of New Mexico. The exact location is Latitude 36.93056N, Longitude -108.28056W, San Juan County, New Mexico. The mailing address is:

Barker Creek Compressor Station
99 County Road 6500
Kirtland, New Mexico 87417

B. Contact

Leann Plagens
CCI San Juan LLC
811 Main Street Suite 3500
Houston, TX 77002
leann.plagens@cci.com

C. Description of Operations

Barker Creek is a natural gas compressor station, which began operation in 2003. This is the first Part 71 renewal for the Barker Creek facility. The inlet gas and any associated pipeline liquids entering the compressor station pass through a horizontal separator (not a Joule-Thompson or dewpoint skid) where natural gas is separated and routed to the inlet of the compressor. Pipeline liquids are primarily water and are routed as a single phase to offsite storage not owned or operated by CCI San Juan. In the event any associated condensate is entrained with the water, flashing emissions are routed along with the natural gas to the inlet of the compressor. The separator is not an emissions source, as inlet gas and separated natural gas and pipeline liquids are routed to and from the separator through a closed-vent piping system, and no other equipment is connected with the separator. The compressor is driven by a natural gas-fired rich-burn reciprocating internal combustion engine (RICE). CCI San Juan voluntarily operates non-selective catalytic reduction (NSCR) emission control system on the compressor engine, as the engine is not subject to any federally enforceable requirements mandating its use.

D. Emission Points

Table 1 lists emission units and emission generating activities, including any air pollution control devices. The Title V Operating Permit Program at 40 CFR Part 71 (Part 71) allows the Permittee to separately list in the permit application units or activities that qualify as “insignificant” based on potential emissions below 2 tons per year (tpy) for all regulated pollutants that are not listed as hazardous air pollutants (HAPs) under section 112(b) and below 1,000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAPs. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement. Units and activities that qualify as “insignificant” for the purposes of the Part 71 application are in no way exempt from applicable requirements or any requirements of the Part 71 permit.

Table 1 – Emission Units and Emission Generating Activities

Unit I.D.	Description	Control Equipment
C-1101	Waukesha L5794GSI 4-stroke RICE, 1,380 hp, 3.51 MMBtu/hr, natural gas-fired: Serial No. C-1442/1 Installed: 8/26/2003 Mfg:[prior to June 12, 2006]	NSCR 3-Way Converter (not enforceable)
IEU	Process fugitives (fugitive emissions from gas valves, light liquid valves, relief valves, liquid flanges, open-ended lines, compressor seals, pump seals, and gas flanges)	

* Mfg = Manufactured; hp = horsepower;
MMBtu/hr = million British thermal units per hour.

E. Potential to Emit

Pursuant to 40 CFR 52.21, potential to emit (PTE) is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation, or the effect it would have on emissions, is federally enforceable. Independently enforceable applicable requirements are considered enforceable to the extent that the source is in compliance with the standard. In addition, beneficial reductions in non-targeted pollutants resulting from compliance with an independently enforceable applicable requirement may be counted towards PTE provided the emission reduction of the non-targeted pollutant is enforceable as a practical matter and compliance is being met. See the 1995 guidance memo signed by John Seitz, Director of the Office of Air Quality Planning and Standards titled, “Options for Limiting Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act”.

CCI San Juan reported the uncontrolled emission unit-specific PTE in their Part 71 permit application. The Waukesha L5794GSI compressor engine at Barker Creek is equipped with a NSCR, three-way catalytic converter emissions control device. However, the compressor engine is not subject to any applicable regulations or a federally enforceable permit requiring the use of the control device to reduce emissions. The use of the catalytic converter at Barker Creek is not federally enforceable and is voluntary.

The PTE in Table 2 are based on the legally and practically enforceable requirements set forth in this proposed permit, and, for the purposes of the compressor engine, reflect uncontrolled emissions.

Table 2 – Potential-to-Emit With Legally and Practically Enforceable Controls

Regulated Air Pollutants (tpy)											
	NO _x *	CO*	VOC*	PM*	SO ₂ *	CH ₂ O*	Total HAPs*	CO ₂ *	CH ₄ * (as CO ₂ e)	N ₂ O* (as CO ₂ e)	CO ₂ e*
C-1101	193.1	146.5	6.0	0.4	0.0	0.67	0.67	4907	2.3	2.8	4912
IEUs	0	0	0.2	0	0	0	0	0	0	0	0
TOTAL	193.10	146.49	6.2	0.4	0.00	0.67	0.67	4907	2.3	2.8	4912

*NO_x = nitrogen oxide; CO = carbon monoxide; VOC = volatile organic compound; PM = particulate matter; SO₂ = sulfur dioxide; CH₂O = formaldehyde; HAP = hazardous air pollutant; CO₂ = carbon dioxide; CH₄ = methane; N₂O = nitrous oxide; CO₂e = equivalent CO₂;

II. Applicable Requirement Review

The following sections discuss the information provided by CCI San Juan in their Part 71 application, certified to be true and accurate by the Responsible Official of this facility.

A. **40 CFR 52.21 - Prevention of Significant Deterioration**

The Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR Part 52 is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a “major” stationary source or “major” modification of an existing stationary source. Source size is defined in terms of “PTE,” which is its capability at maximum design capacity to emit a pollutant, except as constrained by existing legally and practically enforceable conditions applicable to the source. A new stationary source or a modification to an existing minor stationary source is major if the proposed project has the PTE any pollutant regulated under the CAA in amounts equal to or exceeding specified major source thresholds, which are 100 tpy for 28 listed industrial source categories and 250 tpy for all other sources. The PSD Permit Program also applies to modifications at existing major sources that cause a “significant net emissions increase” at that source. Significance levels for each pollutant are defined in the PSD regulations at 40 CFR 52.21.

According to the emissions information provided by CCI San Juan in their Part 71 application, Barker Creek is currently a minor source with respect to PSD as the PTE does not exceed the major source thresholds of any criteria pollutants regulated under the PSD Permit Program.

B. **40 CFR Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.**

This subpart establishes requirements for controlling VOC emissions from storage vessels with a capacity greater than or equal to 75 cubic meters that are used to store volatile organic liquids for which construction, reconstruction, or modification commenced after July 23, 1984.

Based on the information provided by CCI San Juan in their Part 71 application and our review of that information there are no petroleum storage vessels with capacity greater than 75 cubic meters at Barker Creek. Therefore, the facility is not subject to this subpart.

C. 40 CFR Part 60, Subpart KKK: Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011

This subpart establishes requirements for controlling fugitive VOC emissions from onshore natural gas processing plants. It applies to natural gas processing plants that commenced construction, reconstruction, or modification after January 20, 1984 and on or before August 23, 2011.

Based on the information provided by CCI San Juan in their Part 71 application and our review of that information, Barker Creek is not a natural gas processing plant (as defined in the rule). Therefore the facility is not subject to this subpart.

D. 40 CFR Part 60, Subpart LLL: Standards of Performance for SO₂ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011

This subpart applies to sweetening units and sulfur recovery units at onshore natural gas processing facilities. As defined in this subpart, sweetening units are process devices that separate hydrogen sulfide (H₂S) and CO₂ from a sour natural gas stream. Sulfur recovery units are defined as process devices that recover sulfur from the acid gas (consisting of H₂S and CO₂) removed by a sweetening unit.

Based on the information provided by CCI San Juan in their Part 71 application and our review of that information, neither sweetening nor sulfur recovery are performed at Barker Creek. Therefore, this facility is not subject to this subpart.

E. 40 CFR Part 60, Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

This subpart establishes emission standards and compliance requirements for the control of emissions from stationary spark ignition internal combustion engines that commenced construction, modification, or reconstruction after June 12, 2006, and are manufactured on or after specified manufacture trigger dates. The manufacture trigger dates are based on the engine type, fuel used, and maximum engine hp.

Based on the information provided by CCI San Juan in their Part 71 application and our review of that information, the engine operating at Barker Creek was manufactured prior to the manufacture trigger date in the rule, January 1, 2008. Therefore, this subpart does not apply.

F. 40 CFR Part 60, Subpart OOOO – Standards of Performance for Crude Oil and Natural Gas production, Transmission, and Distribution

This subpart establishes emission standards for the control of VOC and SO₂ emissions from affected facilities that commence construction, modification, or reconstruction after August 23, 2011.

Affected facilities include, but are not limited to well completions, centrifugal compressors, reciprocating compressors, pneumatic controllers, storage vessels, and sweetening units.

Based on the information provided by CCI San Juan in their Part 71 application and our review of that information, the current equipment at Barker Creek predates the applicability date for this subpart. Therefore, this facility is not subject to this subpart.

G. 40 CFR Part 63, Subpart HH: National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities

This subpart establishes emission standards for the control of HAP emissions from affected units located at natural gas production facilities that process, upgrade, or store natural gas prior to the point of custody transfer, or that process, upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to a final end user. The affected units are glycol dehydration units, storage vessels with the potential for flash emissions (as defined in the rule) and the group of ancillary equipment and compressors intended to operate in volatile HAP service which are located at natural gas processing plants.

Based on the information provided by CCI San Juan in their Part 71 application and our review of that information, Barker Creek does not operate any storage vessels with the potential for flash emissions (as defined in the rule) or Triethylene Glycol (TEG) dehydration units. Therefore, Barker Creek is not subject to this subpart.

H. 40 CFR Part 63, Subpart ZZZZ (MACT ZZZZ): National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

This subpart establishes emission standards and operating limitations for the control of HAP emissions from spark ignition and compression ignition RICE.

Based on the information provided by CCI San Juan in their Part 71 application and our review of that information, CCI San Juan is subject to the requirements for non-emergency spark ignition 4-stroke rich-burn, remote existing stationary engines >500 hp, constructed before June 12, 2006 operating at area sources of HAP emissions. The affected unit at Barker Creek is the RICE operating at the facility, Emission Unit C1101.

I. 40 CFR Part 64: Compliance Assurance Monitoring

Pursuant to requirements concerning enhanced monitoring and compliance certification under the CAA, the EPA promulgated regulations to implement compliance assurance monitoring (CAM) for major stationary sources of air pollution, for purposes of Title V permitting that are required to obtain operating permits under Part 71. The rule requires owners or operators of such sources to conduct monitoring that provide a reasonable assurance of compliance with applicable requirements under the CAA. The effective date of this rule is November 21, 1997.

1. CAM Applicability

According to 40 CFR 64.2(a), CAM applies to each pollutant specific emission unit (PSEU) located at a major source which is required to obtain a Part 71 permit if the unit satisfies all of the following criteria:

- (a) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under 40 CFR 64.2(b)(1);
- (b) The unit uses a control device to achieve compliance with any such limit or standard; and
- (c) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tpy, required for a source to be classified as a major Title V source.

2. CAM Plan Submittal Deadlines

- (a) Large PSEUs. A CAM plan submittal for all PSEUs with the PTE (taking into account control devices) of any one regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tpy, required for a source to be classified as a major source, is due at the following times:
 - (i) On or after April 20, 1998, if by that date, a Part 71 application has either:
 - (A) Not been filed; or
 - (B) Not yet been determined to be complete.
 - (ii) On or after April 20, 1998, if a Part 71 permit application for a significant modification is submitted with respect to those PSEUs for which the requested permit revision is applicable; or
 - (iii) Upon application for a renewed Part 71 permit and a CAM plan has not yet been submitted with an initial or a significant modification application, as specified above.
- (b) Other PSEUs. A CAM Plan must be submitted for all PSEUs that are not large PSEUs, but are subject to this rule, upon application for a Part 71 renewal permit.

Based on the information provided by CCI San Juan in their Part 71 application, and our review of that information, there are no PSEUs at Barker Creek that are subject to an emission standard or limitation. Therefore, the facility is not subject to CAM requirements.

J. 40 CFR Part 68: Chemical Accident Prevention Provisions

This rule applies to stationary sources that manufacture, process, use, store, or otherwise handle more than the threshold quantity of a regulated substance in a process. Regulated substances include 77 toxic and 63 flammable substances which are potentially present in the natural gas stream entering the facility and in the storage vessels located at the facility. The quantity of a regulated substance in a process is determined according to the procedures presented under 40 CFR 68.115. 40 CFR 68.115(b)(1) and (2)(i) indicate that toxic and flammable substances in a mixture do not need to be considered when determining whether more than a threshold quantity is present at a stationary source if the concentration of the substance is below one percent by weight of the mixture.

40 CFR 68.115(b)(2)(iii) indicates that prior to entry into a natural gas processing plant, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include condensate, field gas, and produced water.

Based on the updated information provided in CCI San Juan's Part 71 application, Barker Creek does not have regulated substances above the threshold quantities in this rule and therefore is not subject to the requirement to develop and submit a risk management plan.

K. 40 CFR Part 71: Emergency Provisions

In this draft Part 71 renewal permit, the EPA is not proposing to include the "Emergency Provisions" located in permit condition III.O. in the existing effective Part 71 permit. These provisions were modeled on the "Emergency provision" contained in the regulations in 40 CFR Part 71 applicable to federal operating permit programs. Specifically, in the regulations discussing the contents of Title V operating permits issued under the federal operating permits program, 40 CFR 71.6(g) provides that certain "emergency" events can constitute "an affirmative defense in an action brought for non-compliance" with certain emission limits contained in the permit, when certain conditions are met. However, nothing in the CAA or 40 CFR Part 71 requires that these types of emergency provisions be included as conditions in operating permits issued by the EPA, and for the reasons discussed below, we are exercising our discretion not to include them in this draft part 71 renewal permit.

In 2014, a federal court ruled that the CAA does not authorize the EPA to create affirmative defense provisions applicable to certain enforcement actions. *See NRDC v. EPA*, 749 F.3d 1055 (D.C. Cir. 2014). The court ruled that Sections 113 and 304 of the CAA preclude the EPA from creating affirmative defense provisions in the Agency's regulations imposing HAP emission limits on sources. The court concluded that those affirmative defense provisions purported to alter the jurisdiction of federal courts generally provided in the CAA to assess liability and impose penalties for violations of emission limits in private civil enforcement cases, and that the CAA did not provide authority for the EPA to do so. Consistent with the reasoning in the *NRDC v. EPA* court decision, the EPA has determined that it is also not appropriate under the CAA to alter the jurisdiction of the federal courts through affirmative defenses provisions in its Title V regulations, such as those contained in the emergency provisions of 40 CFR 71.6(g), and that such provisions are inconsistent with the CAA. In light of the above-described D.C. Circuit Court decision and the EPA's obligation to issue Title V permits consistent with the applicable requirements of the Act, it is no longer appropriate to propose to include permit conditions modeled on affirmative defenses such as those contained in the emergency provisions of 40 CFR 71.6(g) in operating permits issued by the EPA.

Although the EPA views the Part 71 emergency provisions as discretionary (i.e., neither the statute nor the regulations mandate their inclusion in Part 71 permits), the EPA is considering whether to make changes to the Part 71 Permit Program regulations in order to ensure the EPA's regulations are consistent with the recent D.C. Circuit decisions; and if so, how best to make those changes. Until that time, as part of the normal permitting process, it is appropriate for the EPA permitting authorities to rely on the discretionary nature of the existing emergency provisions to choose not to continue to include permit terms modeled on those provisions in Part 71 permits that we are issuing in the first instance or renewing. By doing so, we are not only fulfilling the EPA's obligation to issue Title V permits consistent with the applicable requirements of the Act, but we will also help ensure that permittees do not continue to rely on permit provisions that have been found legally invalid.

Accordingly, in this draft Part 71 renewal permit, the EPA is exercising its discretion to not include the “Emergency Provisions” located in permit condition III.O. in the existing effective Part 71 permit, in order to ensure the Part 71 permit is in compliance with the applicable requirements of the Act.

III. EPA Authority

Title V of the CAA requires that the EPA promulgate, administer, and enforce a federal operating permit program when a state does not submit an approvable program within the time frame set by Title V or does not adequately administer and enforce its EPA approved program. On July 1, 1996 (61 FR 34202), the EPA adopted regulations codified at 40 CFR Part 71 setting forth the procedures and terms under which the agency would administer a federal operating permit program. These regulations were updated on February 19, 1999 (64 FR 8247) to incorporate the EPA's approach for issuing federal operating permits to stationary sources in Indian country.

As described in 40 CFR 71.4(a), the EPA will implement a Part 71 program in areas where a state, local, or tribal agency has not developed an approved Part 70 program. Unlike states, tribes are not required to develop operating permits programs, though the EPA encourages tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the “Tribal Authority Rule”). Therefore, within Indian country, the EPA will administer and enforce a Part 71 federal operating permit program for stationary sources until a tribe receives approval to administer their own operating permit program.

IV. Use of All Credible Evidence

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the Permittee and the EPA in such determinations.

V. Public Participation

A. Public Notice

As described in 40 CFR 71.11(a)(5), all Part 71 draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 CFR 71(d).

There will be a 30 day public comment period for actions pertaining to a draft permit. Notification will be given for this draft permit by mailing a copy of the notice to the permit applicant, the affected state, tribal and local air pollution control agencies, the city and county executives, and the state and federal land managers which have jurisdiction over the area where the source is located. A notification will be provided to all persons who have submitted a written request to be included on the mailing list.

If you would like to be added to our mailing list to be informed of future actions on these or other CAA permits issued in Indian country, please send an email using the link for the Ute Mountain Indian Reservation provided at <http://www2.epa.gov/region8/air-permit-public-comment-opportunities>, or send your name and address to the contact listed below:

Part 71 Permitting Lead
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

Public notice will be published in the Farmington Daily Times giving opportunity for public comment on the draft permit and the opportunity to request a public hearing.

B. Opportunity to Comment

Members of the public will be given an opportunity to review a copy of the draft permit prepared by the EPA, the application, this Statement of Basis for the draft permit and all supporting materials for the draft permit. Copies of these documents are available at:

San Juan County Clerk's Office
100 S. Oliver Drive
Aztec, New Mexico 87410

and

Ute Mountain Ute Tribe
Environmental Programs Director
124 Mike Wash Road
Towaoc, CO 81334-0188

and

U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

All documents are available for review at the Region 8 office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding federal holidays). Electronic copies of the draft permit, statement of basis and permitting record may also be viewed at:
<http://www2.epa.gov/region8/air-permit-public-comment-opportunities>.

Any interested person may submit written comments on the draft Part 71 operating permit during the public comment period to the Part 71 Permitting Lead at the address listed in Section A above, or by email using the instructions on the public comment opportunities web site address listed above. All comments will be considered and answered by the EPA in making the final decision on the permit. The EPA keeps a record of the commenters and of the issues raised during the public participation process.

Anyone, including the applicant, who believes any condition of the draft permit is inappropriate should raise all reasonable ascertainable issues and submit all arguments supporting their position by the close of the public comment period. Any supporting materials submitted must be included in full and may not be incorporated by reference, unless the material has already been submitted as part of the administrative record in the same proceeding or consists of state or federal statutes and regulations, EPA documents of general applicability or other generally available reference material.

The final permit will be a public record that can be obtained upon request. A statement of reasons for changes made to the draft permit and responses to comments received will be sent to all persons who comment on the draft permit. The final permit and response to comments document will also be available online at: <http://www2.epa.gov/region8/title-v-operating-permits-issued-region-8>.

C. Opportunity to Request a Hearing

A person may submit a written request for a public hearing to the Part 71 Permitting Lead, U.S. EPA Region 8, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, the EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. The EPA will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit.

D. Appeal of Permits

Within 30 days after the issuance of a final permit decision, any person who filed comments on the draft permit or participated in the public hearing may petition to the Environmental Appeals Board (EAB) to review any condition of the permit decision. Any person who failed to file comments or participate in the public hearing may petition for administrative review, only if the changes from the draft to the final permit decision or other new grounds were not reasonably foreseeable during the public comment period. The 30-day period to appeal a permit begins with the EPA's service of the notice of the final permit decision.

The petition to appeal a permit must include a statement of the reasons supporting the review, a demonstration that any issues were raised during the public comment period, a demonstration that it was impracticable to raise the objections within the public comment period, or that the grounds for such objections arose after such a period. When appropriate, the petition may include a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous; or, an exercise of discretion, or an important policy consideration that the EAB should review.

The EAB will issue an order either granting or denying the petition for review, within a reasonable time following the filing of the petition. Public notice of the grant of review will establish a briefing schedule for the appeal and state that any interested person may file an amicus brief. Notice of denial of review will be sent only to the permit applicant and to the person requesting the review. To the extent review is denied, the conditions of the final permit decision become final agency action.

A motion to reconsider a final order shall be filed within ten days after the service of the final order. Every motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Motions for reconsideration shall be directed to the Administrator rather than the EAB. A motion for reconsideration shall not stay the effective date of the final order unless it is specifically ordered by the EAB.

E. Petition to Reopen a Permit for Cause

Any interested person may petition the EPA to reopen a permit for cause, and the EPA may commence a permit reopening on its own initiative.

The EPA will only revise, revoke and reissue, or terminate a permit for the reasons specified in 40 CFR 71.7(f) or 71.6(a)(6)(i). All requests must be in writing and must contain facts or reasons supporting the request. If the EPA decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denial of these requests is not subject to public notice, comment, or hearings. Denials can be informally appealed to the EAB by a letter briefly setting forth the relevant facts.